

the filing of Jerry Moscovitch's Reissue Declaration dated October 1, 1998 and concerning: (i) the prior art known to MASS' Reissue attorneys and MASS as of October 1, 1998, and (ii) the patent claim scope available to MASS based on that prior art. No other waiver has been shown to exist.

2. Consistent with Paragraph 1 above, for the following letters, Plaintiff MASS need only disclose those portions that either do not reveal a privileged communication, or that reveal a privileged communication, but one that falls within the waiver identified in Paragraph 1 above:

<u>Date</u>	<u>To</u>	<u>From</u>
12/17/98	The Law Society of Upper Canada	Jerry Moscovitch
06/03/99	The Law Society of Upper Canada	Mirek Waraksa (Attorney)
07/04/03	Mirek Waraksa (Attorney)	Gowlings (Attorney)
08/12/03	Gowlings (Attorney)	Mirek Waraksa (Attorney)

SO ORDERED AND SIGNED THIS _____ DAY OF _____, 2008.

Honorable Leonard Davis
United States District Judge